

COMMISSIONERS APPROVAL

CHILCOTT *ag*

THOMPSON *AT*

LYONS

PLETTENBERG (Clerk & Recorder)

Date.....March 27, 2007

Members Present.....Commissioner Greg Chilcott,
Commissioner Alan Thompson and Commissioner Howard Lyons

Minutes: Glenda Wiles

The Board met with Planning Staff Renee Van Hoven and Shaun Morrell to review the Request for Proposals received for the 'Consultant for Land Suitability Analysis for County Wide Zoning'. Renee indicated this project is for GIS data gathering. Seven proposals were received. Renee stated they will prepare a spread sheet for the Commissioners to review the proposals in order to award the proposals on Friday. Commissioner Thompson made a motion to have the Planning Staff prepare the spread sheet and make proposals to the Commissioners for bid award. Commissioner Lyons seconded the motion and all voted "aye".

Discussion also took place about the existing data that will be utilized for this analysis. Renee stated they are not creating any new data. She also relayed the data should generate a map showing areas of high density and low density for zoning. She stated one of the biggest issues that the consultants should be looking at is the well data. Commissioner Chilcott agreed this data should help them make good decisions in regard to subdivision approval. Renee stated she has some concern with the out of state consultants, in regard to being aware of the information sources that are available within the State of Montana. She stated she will be reviewing their area of expertise which could add an important layer of information to their existing data. Commissioner Thompson noted the Board does not always take the low bidder as they are looking for the best bidder for Ravalli County. It was noted the consultant will not be working with the public so their process of data collection should go smoother and quicker.

In other business the Board held a Public Hearing for Budget Amendments for Fiscal Year 2006 and 2007. Commissioner Chilcott called the hearing to order reading the legal notice. Present was Accounting Supervisor Jana Exner and Airport Manager Page Gough. No members of the public were present. The Board made a review of each of the Resolutions for budget amendments. Commissioner Lyons made a motion to adopt the following Resolutions for budget amendments for fiscal year 2006:

- Resolution No. 2062 which is a budget amendment for the CDBG-EDA grant

- Resolution No. 2063 which is a budget amendment for reimbursements that were posted against expense lines in the Lewis and Clark Grant
- Resolution No. 2064 which is a budget amendment for fair fund from reserves
- Resolution No. 2065 which is a budget amendment for new FAA grant #2178 for snow removal equipment

Commissioner Thompson seconded the motion and all voted "aye".

Commissioner Thompson made a motion to adopt the following Resolutions for budget amendments for fiscal year 2007:

- Resolution No. 2066 which is a budget amendment for purchase of transport van for Adult and juvenile Facilities; original budget had van being purchased by the motor pool
- Resolution No. 2067 which is a budget amendment for Capital Improvement Fund (CIP) from reserves per George Corn request dated 1/24/07
- Resolution No. 2068 which is a budget amendment for increase witness fees in County Attorney budget
- Resolution No. 2069 which is a budget amendment for WEED for unanticipated revenue from USFS contract services
- Resolution No. 2070 which is a budget amendment for unanticipated revenue from a Cultural Aesthetic grant for the Hamilton Players
- Resolution No. 2071 which is a budget amendment for unanticipated revenue from lease income to pay for storage tank removal at Bible building
- Resolution No. 2072 which is a budget amendment for Commissioner transition – unanticipated revenue from Capital Reserve Fund – Election Equipment
- Resolution No. 2073 which is a budget amendment for Commissioner transition – CIP fund
- Resolution No. 2074 which is a budget amendment for unanticipated revenue from Capital Reserve Fund for I/T
- Resolution No. 2075 which is a budget amendment for reserves for I/T CIP fund
- Resolution No. 2076 which is a budget amendment for loan proceeds for switches project in I/T
- Resolution No. 2077 which is a budget amendment for sale of airport snow plow
- Resolution No. 2078 which is a budget amendment FAA grant #2178 – Snow Removal Equipment
- Resolution No. 2079 which is a budget amendment for unresolved receipts over one-year old (from Fund 7990)
- Resolution No. 2080 which is a budget amendment for Weed Fund resources available from FY 2006 which were unknown at FY 2007 budget adoption
- Resolution No. 2081 which is a budget amendment for monies from Weed Fund for under budgeted revenues on the Weed Fund
- Resolution No. 2082 which is a budget amendment for unanticipated transfer in from Weed Grant Fund #2840 per Bryce
- Resolution No. 2083 which is a budget amendment for rent and admin fees owed to the County from the Bio-Terrorism grant
- Resolution No. 2084 which is a budget amendment for Bio-Terrorism Grant

- Resolution No. 2085 which is a budget amendment for unanticipated revenue for Darby CTEP
- Resolution No. 2086 which is a budget amendment – transfers in/out need to balance for budget
- Resolution No. 2087 which is a budget amendment for unanticipated revenue in Weed Grant Fund
- Resolution No. 2088 which is a budget amendment for FAA grant – Snow Removal Equipment building (closed out on 9/25/06; AIP 03-30-0037-006-2005)
- Resolution No. 2089 which is a budget amendment from resources available for cemetery and GIS funds

Commissioner Lyons seconded the motion and all voted “aye”.

In other business the Board met to discuss various airport issues.

Present at this meeting was Airport Manager Page Gough, Airport Board Members Fred Haaskamp, Tex Irwin, and Airport Chairman Dave Hedditch. Also present was Civil Counsel Alex Beal and Citizens Judith & Bill Stewart, Mark Fournier, Mike & Nan Jorgensen, David Beckett, Steve Wolters and Ron Kullick.

Page addressed the air conditioning system at the Forest Service building. A check of the system found the ducting to be underspec'd. When the temperature rose, the system froze up. Page received estimates from Anderson Heating and Cooling which includes ducting repair and three additional units at the cost of \$4,640.00. The only monies left in the budget for building repairs and maintenance is approximately \$2,500.00. Page stated Alex is looking at warranty issues on the current system in order to ascertain if any action can be taken on the existing system.

The second bid from Temp Right Comfort Air only specs two additional systems.

Alex stated he reviewed the contract with the contractor and found an Energy Star rating requirement. He stated if the system is underpowered, which is what the other air and heating vendors are stating; then the contractor did not properly comply with the terms of the contract. He suggested the Board speak with the contractor about remedying this problem or he would write a letter to the contractor stating this issue needs to be remedied. He suggested the Board give the contractor 30-days to respond to the letter. He stated if the contractor does not offer to make the corrections in order to comply with the contract, then the county needs to give him a short turn around to either repair or have the county move forward with the needed repairs and bill the contractor for those repairs and corrections. Alex stated the Board needs to give the contractor a chance to make the needed corrections, otherwise it will be difficult to reimburse the county for whatever work is done.

Page stated last year when he spoke to the contractor (Dave Schlechten), the contractor stated there were no problems, except that the thermostat needs to be moved to another room. The contractor wanted to charge the county for that thermostat move.

Commissioner Thompson made a motion to have Alex write a letter to Dave Schlechten and move forward with the recommendations by Civil Counsel. Commissioner Lyons seconded the motion and all voted "aye".

Also discussed was the close out needs for the 2005 AIP06 Project; ALP modifications and changes and needs of the F.A.A. Page stated he has visited with John Styba of the FAA. John is waiting for Engineer Scott Bell to finish the ALP so this particular project will be closed out. When they are finished with the ALP, the Board will then address this close out with the Board.

Mike Jorgensen of Corvallis asked about the airport expansion and the possibility of upgrading the airport in order to accept heavier aircraft. He stated he has a concern about jet aircraft.

Commissioner Chilcott stated they Board is waiting for the FAA to make their comment on the ALP and to move forward on the Environmental Assessment. Until that time, the discussion of upgrading the airport is somewhat premature.

Mike stated his concern over jet aircraft is his familiarity over areas such as Aspen and Sun Valley. The problem is where his son's home is in Haley, Idaho, the growth that has occurred due to the airport and recreational uses in the area. His home is 1 1/5 mile from the airport and when the jets take off and land, the noise is bad enough that one has a hard time dealing with it. He stated Sun Valley is similar to Ravalli County with the valley and high peaks on both sides. This keeps the noise and pollution in. Not only is there an issue of an up-to-date airport (larger aircraft) but also the infrastructure problems that trail the growth. He stated these are important issues that the Board needs to address. He suggested the Board call individuals in Haley, Idaho in order to see what kinds of problems they are dealing with. He also stated he questions whether these new jets are as 'quiet' as people are saying. He also suggested the Board review the response time from Missoula to a fire in Darby, versus the response time from Hamilton to Darby. He suggested it would simply be a matter of minutes.

Commissioner Chilcott stated with the Bitterroot Resort Plan, the Board does plan on visiting with Aspen and Sun Valley in regard to growth and how that growth affects the community, and not just the airport.

Commissioner Thompson stated the runway has not been lengthened nor has the type of aircraft changed since he was elected. The Ravalli County Airport caters to recreationalists, needs of the Forest Service, Wildlife, medical services and business. He hopes to see this airport continue in this type of service as it has never been his intention to have bigger jets come in. When the Environmental Assessment is complete, they need to review those recommendations in light of the safety issues. At this time he is not ready to make any recommendations, and he is not interested in turning this airport into an airport that services larger jets. As the valley grows, he anticipates more growth at the airport such as the number of hangars.

Commissioner Lyons stated it is important that planes can leave with a full tank of fuel and retardants. He stated there are a lot more things that occur at the airport than just the Forest Service.

In other business the Board met to discuss and make a decision on the fuel farm lease with Pogo Pumps LLC. Present were Airport Board Members Fred Haaskamp, Tex Irwin and Dave Hedditch, Airport Manager Page Gough and Civil Counsel Alex Beal. Also present were FBO Steve Wolters and his Attorney Dick Weber, Mark Fournier of Pogo Pumps and members of the public.

Dave Hedditch stated they have not received any paperwork from Pogo Pumps or the specifications of the fuel tank. This information is needed according to the Minimum Standards. Mark responded stating that he had indicated to the Airport Board that he wanted a lease. However they have still not addressed this request as to the 'legality of having a jet fuel tank to begin with'.

Mark stated he also talked to Airport Manager Page Gough last November about this request. He stated he was working on the 'best plan' for the county and he had asked Page where the county wanted the fuel farm placed. He stated he is attempting to work with the Airport Board and within the ALP but he has not gotten any response. Mark presented a picture of the current lay out. He stated they are simply asking for the same access as North Star (Steve Wolters). He also stated one of the locations does not have access to a road, which would need to be constructed. He stated he does not care if the location is west of the parking by North Star in the open field. He just wants an answer.

Page asked if a gravel road would be acceptable access. Mark stated as long as a tanker truck can utilize the road he would be okay with that. He also noted a gravel road could be constructed and then it could be paved later. Page stated the road department was going to construct a road, having it marked and surveyed, but the construction never materialized.

Dave stated they reviewed this site for the road and had agreed coming in 'from behind' would be the best location. But there is no road. Dave stated the Airport Board thought the road would be built due to the seat base location. Page stated he thought the Commissioners directed the Road Department to construct the road due to the upcoming fire season, but that apparently never took place.

Attorney Dick Weber representing North Star Aviation stated the access may be the cart before the horse. North Star's concern is whether Pogo Pumps is allowed this fuel farm before they comply with the FBO requirements. Dick gave a brief recap of some history. When Steve Wolters purchased the business from Bill Stewart, there was a pilot's lounge, they were selling fuel and there was flight instruction. Steve has since then invested more money and time into the business, and at this point all Steve wants is assurance that the new competitor Pogo Pumps is not given any advantage over his business (North Star Aviation). Dick stated it is the county government's responsibility to allow a range of services for citizen's use at the airport. If a competitor is allowed to provide only

services that are lucrative, such as fuel sales, and not a pilots lounge; they take the money making portion and don't provide any other services. In the past, Pogo Pump has attempted to provide flight instruction but it seems unfair to North Star to have a competitor come in and sell fuel, making a profit and not provide the other services that an FBO must provide. Dick stated North Star has no problem with another vendor coming in as long as there is a level playing field. Pogo Pumps should not receive any advantage. Dick stated Mark Fournier has stated North Star is receiving consideration, which is not true, as he has represented Steve for several years and they have complied with all requirements. One minimum requirement is to submit a plan and engineering to the Fire Marshall for the installation of the fuel tank.

Mark Fournier, owner of Pogo Pumps stated the minimum standards require certain standards. The County recognized he met those standards. He entered into an agreement with Max Martx and Jack Valance. After that agreement he was allowed to sell fuel. He stated he has already had the Fire Marshall on the site and he has approved a plan. At this point, he only needs a location. He stated the Commissioners never approved the location of the tanks for North Star. North Star just now received a lease, and now there is a fuel spill at North Star which is costing the tax payers money. He stated he is not asking for anything more than what North Star ever received. Commissioner Chilcott asked if the Airport Manager received the approval from the Fire Marshall. Mark stated he can not give them anything until he is given a location. Commissioner Chilcott stated the Fire Marshall will not approve this unless he has the plans. Mark stated the process is to have a plan for the tank (numbers and design), and then the plan goes to the Airport Manager and the Airport Board for approval. The Fire Marshall told Mark they waived certain issue on North Star because he is tired of the political issues in Hamilton.

Mark also stated he feels North Star Aviation is allowed to be branded for Exxon Fuel, and to be branded with an Exxon sign, you need a jet tank that is a certain size. He advised the Commissioners that North Star is advertising that he is un-branded. Commissioner Thompson then showed a picture and asked how Mark can sell fuel from a tanker truck. Alex stated that is not allowed (selling fuel from a tanker truck) in his lease (it was noted there are three leases that Mark has #528; #199 credit card fueling and #195 which is not for fuel). Alex asked where he has the authority to sell the fuel from a tanker. Mark stated previous minutes reflect jet fuel can be dispensed from a tank, and he provides 100-low lead which shows he is complying with the minimum standards.

Commissioner Chilcott stated the Fire Marshall has concerns that the tank is providing fuel to a truck which is not allowed. Mark asked if this is in writing, which he stated he knew is not because the Fire Marshall will not provide that comment in writing. Commissioner Chilcott noted in regard to the lease that was recorded on May 15, 2006, and the minimum standard, the lease is limited to establishing a credit card and self service fueling system. Commissioner Chilcott stated that is self limiting.

Mark stated the Commissioners did not have any intention in allowing him to be an FBO a year ago. Commissioner Chilcott stated he did not write those limitations on the lease.

Rather those limitations were on the lease that was brought to them for approval. Mark asked if he is to provide both types of fuel. Dave stated that is what the lease stated.

Mark stated the leases are no good, because the leases are not written the same. He stated the Commissioners are trying to restrict him. He was told to sell both types of fuel and not use the 8,000 gallon truck. So he sold his truck, and bought three smaller trucks, and he has purchased jet fuel at full cost. Mark also noted in August, North Star called Commissioner Chilcott and told him Pogo Pumps was pumping fuel illegally at 7:00 p.m. Commissioner Chilcott stated he does not remember any such phone call. Mark stated he was filling Forest Service trucks, and if Commissioner Chilcott did not think he was supposed to sell jet fuel, he should have been stopped right then.

Page indicated he asked the truck driver if this fuel pumping was legal and the trucker stated they do this all the time.

Commissioner Chilcott stated this meeting is not to assassinate anyone's character and they should keep to the facts.

Mark stated he wants a lease that allows him to install a tank in order to sell jet fuel. Commissioner Chilcott questioned what size tank. Mark replied a 12,000 double walled tank (which is less capacity of Steve's 14,000 tank); and to place it within the fuel farm area. Page stated on the new ALP they are looking at another spot if the road is constructed, which is due west. Mark stated if the road is not constructed he would like to have this location south of the existing fuel farm.

Page stated this needs to be approved by the FAA. Airport Board Members stated they looked at the proposed location and were in agreement to that. With the new rules and standards (on page 2), Mark would have to come to the Airport Board and give them the rest of the information. However, they stated Mark won't give them any further information because he stated it is confidential. Dave stated if they have that information, they can review it and make a decision. The Airport Board concurred Mark must comply with the rules and that is what started this whole issue in the first place, because he does not want to. Dave stated Mark bypassed the Airport Board and went straight to the Commissioners with the previous Airport Manager's approval. Mark stated that is not true, as he did take all of that information to the Airport Board. Mark stated Steve had a closed door meeting with Commissioner Thompson about adding another tank. Mark stated he put in the application long before the new standards were approved and he wants to meet the standards that were in place at that time. Page stated he has a proposed lease, but it is to the south of the existing tanks.

Mark stated he would like a decision today, and he stated it has gone before the Airport Board. He stated the agenda reflects a decision today.

Bill Stewart, the previous owner of North Star Aviation noted that before he sold this business to Steve Wolters, he was asked by the previous Airport Manager to install fuel. He asked for a location of a fuel farm and they gave him that location along with

approval. He asked a vendor in Billings to install the tanks that were already Fire Marshall approved. Then Steve bought the business and he cancelled the order and purchased larger tanks. This was in 2001. Bill stated he remembers Mark being told he could have a credit card system.

Airport Board Member Tex Irwin stated whether they follow the old or new minimum standards they still require the same elements such as; a time schedule, plan development, design standards etc. He stated the Airport Board has never seen any of these items from Mark. He also noted the lease is a legal document that Mark signed with certain conditions on that particular site. Tex stated as an advisory board member, he is to make sure the tank is legal and conforms to the requirements for self fueling at the fuel farm area. He also asked if Mark would be willing to enter into a fuel farm lease with the conditions that he install the fuel farm and complete the other FBO requirements. He stated he was unsure how they should proceed at this point because of this litigation that Mark has filed.

Page stated last November, Red Caldwell, Mark and himself made a site visit to find a good location for the fuel farm. They found the location and a place to run the trucks. He took that lease to the Airport Board for review but due to the other issues, (non compliance with the current lease) the Airport Board did not want to move forward on this fuel farm lease. He stated there were no other documents, just the lease. Page stated he agrees that one must have a location before the engineering can be done.

Commissioner Lyons stated he does not have enough history on this issue in order to make a good decision. On the face it appears the conditions of the lease have not been met. He stated he has not seen any business plans, design standards etc.

Page stated according to the lease and the rules & regulations, a person does not have to give the building plans until they break ground.

Commissioner Chilcott asked Mark if the minimum standards require documentation and plans, why those standards do not apply to him. Mark stated that is a lie; he did submit those plans. He has the approval by the Board to sell the fuel, and he would not have ever gotten the okay to move forward if he was not given approval first.

Page stated he does not have any plans; rather he just has the location because the plans can not be done until the location is approved. Mark stated he gave Page a written plan, and if the Commissioners can show that other vendors submitted plans, then he should be required to do that also. Mark stated he will meet the Fire Marshall requirements, which will be a fence and loading dock etc.

Commissioner Chilcott stated it took 6-9 months to get the Fire Marshall to respond, and he asked Alex if they could request what the necessary elements are for this type of plan. Alex stated they need to follow the manner in which others requests are done. Commissioner Chilcott stated there is only one previous approval and according to Mark

that was not done correctly.

Mark stated this should be left up to the building permit and Fire Marshall approval. The Commissioners should not micro manage this. He stated he needs a location first, and then he will submit his plans to the Fire Marshall who will either say yes or no.

Alex stated the general pattern is to follow the minimum standards before any general construction begins. Permitting and plans must be approved by the Airport Board. His advice is to follow that pattern again.

Commissioner Chilcott stated the area to the south of the existing fuel farm is acceptable to him. Dave stated to the west is better but it requires a new road. He also stated the lease could have been written as self-service only because, at the March 22nd Airport Board meeting, Mark stated he had no desire to generate any profit as it was for his partners and himself.

Mark stated that comment was due to the request of an economic study, which is out of their authority. That issue is between him and his banker. He stated this comment was taken out of context.

Commissioner Lyons asked if the lease was for gas and jet fuel. Commissioner Chilcott stated without plans, they are talking about jet fuel. Mark stated they would like to put in another spot for 100-low lead (for future storage), which will be both kinds.

Commissioner Thompson asked Alex for his legal counsel. Alex stated it appears from the general rule that fuel tanks and hangar requests are given to Page, then to the Airport Board with the needed plans etc. He agrees the building has to be in compliance with the lease, and conceptually he should be able to describe what you want to do with a plan.

Commissioner Thompson asked if the ALP allows expansion from the west or south. Page stated not as of yet, that would need to be an amended ALP as recommended by the FAA. Page also noted the initial road was proposed by the Forest Service, and if built, Mark could put in another road.

Commissioner Thompson stated he does not appreciate the antics from the back of the room when other people are talking (referring to Mark). The minimum standards say one thing and he does not like this kind of 'cherry picking' by Pogo Pumps. Commissioner Thompson noted that the Airport Board has never acted in prejudice, rather they want safety first. He stated this discussion by Mark is a farce.

Commissioner Chilcott noted the site to the west would require a road. Commissioner Chilcott asked Mark if he would construct the road. Mark stated he will not construct the road as he should have equal access. Commissioner Chilcott stated there is precedence in the county for subdivisions where the developer is required to provide the infrastructure. He stated it is not the government's responsibility to build the road in order for Mark to be treated equitably. The county does not have the money to construct the road for a

private business venture, nor is it the responsibility of the tax payers. He has no problem putting another Field Based Operator at the Airport, but he does not want to put either business at risk.

Mark stated he has a statement from a road worker that he would like to read. Commissioner Chilcott replied no. Mark stated the county built that road. Bill stated that is not true, as he built the road at his own cost and he has the cancelled check to prove it.

Commissioner Thompson stated if they are going to grant a space for a fuel farm, the appropriate place is at the west of the existing fuel farm. Commissioner Chilcott stated the alternative is to amend the ALP and put it in on the south.

Dick stated this was also a point of discussion when Steve installed his tanks. The question was whether there would be a loading pad to the south of the tanks and how the trucks could pull their trucks in and out. Commissioner Chilcott stated it is important to have a good public health and safety reason to amend the ALP. If Mark can obtain his location within the existing infrastructure they should allow that. Commissioner Chilcott also stated they need to be in compliance with the standards. He noted mistakes were made with North Star and they need to do this area correctly.

Bill stated the Commissioners bent over backwards to accommodate Mark, and now Mark continues to want more and more, and if they allow this, Mark will want more privileges than what he should have without meeting the requirements.

Commissioner Thompson stated the compliance requirement was for the pilots lounge etc., and if he is allowed to have the fuel farm, he must meet those other requirements. Alex stated he must still meet the original deadline which was 18 months.

Dick stated the enforcement of a grievance and any remedies are just as an important as an agreement.

Alex stated the time line is through the minimum standards and the lease has a termination clause. He felt that is enforceable.

Tex stated the leases address the type of FBO which helps clarify the FBO's responsibility. He stated many of the problems would have been answered if the right sequence of events had taken place, i.e., design and specifications to Page, then to the Airport Board and then to the Commissioners for a lease. Much of what Mark has proposed has not been done this way as we never received any of this information.

Commissioner Chilcott noted the Commissioners can deny the lease, conditionally approve the lease with the proper infrastructure being developed, or allow the location to the south amending the ALP with the FAA approval. Commissioner Chilcott stated the other question they must address is if this is an FBO. He stated that question should be deferred to the Airport Manager (three elements that are listed in minimum standards). Commissioner Chilcott noted Max Martz and Jack Vallance were supposedly partners in

the past and now they are not partners. Then Tom Kemp was his partner and he has since dropped out. Commissioner Chilcott stated there is no clear definition of who the partner is and stated the question is if Viper Air and Pogo Pumps qualify to be an FBO when they are two different entities. Alex stated his initial reaction is if there was an umbrella partnership of an LLC (Viper, Pogo etc.) they are considered one entity. Individual leases do not qualify under that umbrella.

Dick Weber stated Viper Air and Pogo Pumps are separate entities, and Mark is not solely shown as the responsible party.

Commissioner Thompson asked if this a moot point if Mark has a credit card system. He asked if a fuel farm lease is granted; would that be over and above what we already have. Commissioner Chilcott stated it is. Alex stated because past and potential litigation says that this lease should not have any bearing on the existing leases. Alex noted Mark does not have the authority to sell full-service fuel at this time. He can only store fuel in the tank if developed.

Bill asked if Mark has a paper trail when he sells the jet fuel from the trucks, as fuel samples need to be taken so a jet does not get some bad fuel. He stated the county may have some liability in this regard. Commissioner Chilcott stated the Commissioners are concerned with public health and safety.

Page stated they have received fuel flow monies from Pogo Pumps. Dick asked how Mark was allowed to sell fuel from trucks. Commissioner Chilcott stated Mark feels he is an FBO and as such he is allowed to sell the fuel.

Commissioner Chilcott asked if there was any evidence in the minutes or other records that limit him as an FBO. Dick stated the question is if Mark has to come to the Commissioners to have that authority, or does Mark simply take that authority. Alex stated he has to have a lease which gives him the authority to do those things, and the lease does not grant the authority to sell fuel other than by self-service.

Commissioner Chilcott asked Page if Mark provides services in order to qualify him as an FBO. Page stated Mark does have flight instruction, restrooms, and lounge, if it is a partnership. And if it is a partnership, he has Jack Vallance's maintenance.

Commissioner Thompson asked if the lease language is a ruling factor then he feels it limits what Mark is able to do. He also noted Mark has 18-months to comply with the lease requirements. Commissioner Thompson stated he is hesitant to enter into another lease until compliance on the other leases is met.

Alex asked Page about the location of the proposed system. Page stated both he and Red asked Mark where he wanted the tank. With Mark's response they drew it up according to the availability of the area (to the west of the existing tanks). This was then sent to the Airport Board for their review. Alex stated the area or spots to the west of the current fuel farm are not accessible, and the area to the south is not designated as a fuel farm;

thus there are no locations that currently exist for this. Alex also noted if Mark wants to go through the process to amend the ALP, he should do that first before the lease is approved, or they could make the lease conditional upon the ALP change.

Dave presented documents of notice of proposed construction or alteration to Big Sky Aviation (not Pogo Pumps) submitted by Red Caldwell and shown as approved by the Fire Marshall.

Commissioner Thompson made a motion to deny a fuel farm lease to Pogo Pumps because of the current leases language (stating what he can and can not do such as credit card system etc), and the fact that there is not a location that exists where a fuel farm can be established, plus the fact that he does not want to approve a lease for a business that has not complied with the requirements of being an FBO such as the construction of a lounge within a certain period of time. Commissioner Lyons seconded the motion. Discussion of the motion then took place. Commissioner Lyons commented he felt the normal procedure should be that these requests go through the Airport Board and Mark has not complied with this step. Therefore he sees no alternative than to turn this request down. Commissioner Chilcott stated he leans toward granting the option of the two locations conditioned upon Mark building the road or obtain approval for amending the ALP. Commissioner Chilcott also noted he felt the lease should only be for fuel storage and would not grant any other rights. Commissioner Lyons stated when someone comes in and demands services; he is personally not too willing to agree with his demands. Airport Board Member Fred Haaskamp stated Mark has demanded things from the very first Airport Board meeting and continually threatens to go to the state and federal representatives. Commissioner Thompson and Commissioner Lyons voted "aye" to deny the request. Commissioner Chilcott voted "aye" to allow a conditional lease. Motion carried.